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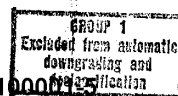
. . . . The 27th meeting of the CIA RETIREMENT BOARD
convened at 2:05 p.m. on Tuesday, 4 January 1966, in room 6F25, with
the following present:

	Mr. Emmett D. Echols, Chairman
25X1A9a	[REDACTED] DDP Member
	[REDACTED] DDP Member
	[REDACTED], DDP Member
25X1A9a	Mr. Paul A. Borel, DDI Member
	[REDACTED] DDI Member
	[REDACTED] DDS&T Member
25X1A9a	Mr. Alan M. Warfield, DDS Member
	[REDACTED] S Member
	[REDACTED] Legal Adviser
	[REDACTED] Finance Adviser
	[REDACTED] Executive Secretary
	[REDACTED] Recording Secretary

MR. ECHOLS: I would like, before we start, to make
a confession -- which they say is good for the soul. At our last meeting
I don't know what got into me but I think I really got way off the beam in
stating, or indicating -- I don't know which I did -- that at the time of
designation a person did not have to meet all of the criteria for designation.
I was really wrong. I knew we had been over this point before, but I
had forgotten about it -- and I think that is why this policy booklet we're
preparing is so important. But in retrospect, I can't read the
regulation without seeing - point blank - the specific requirement that at
the time of designation the person must meet all of the criteria, including
that all-important one about be serving on a career basis in a field which
normally requires the performance of qualifying duty as an integral part
of a career in that field.

I think we had cases and the question came up last
time as to whether certain people were currently serving in a field which
would or might call for further qualifying duty -- and I think I made the

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mistake of indicating that wasn't important, but it IS important on initial designation. And I think Jim made the point that at some earlier meeting we had agreed that if a man at the time the legislation was passed, at the time it went into existence, was at that time in a qualifying field but maybe in the intervening months - in a few months - had changed, we would consider his status at the time that he first could have been considered for the system if we could have moved quickly enough. Is that roughly right, Jim? was that your point?

25X1A9a

[REDACTED] I think that also was if they had over 15 years at the time the legislation was passed, and was now out of the field but otherwise qualified, could also be admitted to the system.

25X1A9a

[REDACTED] That is a pretty important addition, I think, that Jim just added there: if he had finished 15 years. Because I do think we brought quite a few in on that basis.

MR. ECHOLS: Yes, I know we have.

So, I stand corrected.

We have gone through the Minutes of all of the meetings and have prepared the beginnings of a policy book that has, roughly, from "A" through "P", the basic findings of the Board, if you will. I want to read it thoroughly once more before we submit it to the Board to see if you all agree that these are indeed the policy points that we have already reviewed and established a posture on. So this will be coming out very shortly, and will be a good reference source as to what our past actions have been.

MR. BOREL: Mr. Chairman, going back to your earlier point, is it likely, then, that we have admitted people into the system that were not qualified?

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MR. ECHOLS: No, it is not. At the last meeting I think the only question that came up was whether some of the people were currently in a field of work which would be qualifying, and after the meeting I looked through the cases and there were four in question and they were all FDD cases, and I verified that these people are indeed still very, very much [REDACTED] So I don't think we^{25X1A} have made any mistakes because of that momentary digression on my part.

MR. BOREL: I was thinking in the case of the DD/I where a man is not now in a career field but had five years and was automatically brought in, I don't recall whether the 15 year provision was examined at that time.

MR. ECHOLS: If there is any doubt, I can go back and review -- but I think up until now we have been pretty thorough in looking at all aspects of these cases to make sure they qualified, with the minor deviations that we have agreed to on the over 15 years group.

25X1A9a

[REDACTED] For my edification, if I may: Does the Board still consider that it is still in the initial review, as far as determination as of the date of the passage of the Act, or have you passed into a second phase of your examination of cases? Would you still pass a case that was qualified and properly serving at the time the legislation was passed but is not now serving in that same qualifying service?

MR. ECHOLS: Again, I think it would depend upon whether the man has less or more than 15 years' service. Isn't that right?

25X1A9a

[REDACTED] Well, on our initial review, it would occur to me at the moment, just on this very limited conversation, that had his name come up with the others some three months ago, or five months ago,

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he would have been passed automatically -- now he would be denied on the first review. This would be the man who had five years prior to the passage--

MR. ECHOLS: A man who has 60 months and the 15 years would never have to be reviewed again or face the risk of being thrown out. But if we put a man in on the basis of less than 15 years who had no possibility(inaudible)....

25X1A9a

[REDACTED] I still don't think this is Joe's point. I think he is talking about the fellow who doesn't have 15 years, who does have five years, who now is out of qualifying service, so to speak, but who was, at the time of passage of the Act, in it, and had we been able to act the next day on everybody, he would have been included. When are we through with the first phase of review? in other words, would it be after we have covered everybody?

MR. ECHOLS: After we have covered everybody, I think, Joe. And I might say, in this connection, that I think we initially rather informally set a target for initial review of one year or less -- and as I mentioned at the last meeting, I believe we're all going to receive a directive to do it in less time than that -- I think with a deadline of something like 30 March, or 1 April, or something like that. So we are still in the initial review, and, presumably, we will finish that before a year is up.

25X1A9a

[REDACTED] The reason I asked, it would appear to me that would be a point (which could well be taken up) by the Chairman in his year-end report to the Committees -- which we will probably be dealing with before the end of this month.

MR. ECHOLS: I understand that is why we are beginning to expedite this action, because the Agency is getting alarmed at its need

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to report the progress to the Committees.

Could we look at the Minutes of the last meeting.

Are there any additions or corrections in the Minutes? (No response.)

If not, we will accept the Minutes as presented, and go on to the cases.

And incidentally, I have looked at each and every one of these cases today, and I'll bet a half a dollar we don't find an issue.

In the first group are those who have 15 years or more of service, meet all of the requirements, and who have 60 or more months of qualifying service. There are 26 such persons -- three in pseudonym. This will be the first and final, and only, review of these people.

25X1A9a

[REDACTED] Mr. Chairman, I move they all be designated.

MR. BOREL: Second.

. . . . This motion was then passed

MR. ECHOLS: The second group are in the same category, basically -- they meet all of the basic criteria, and will complete 15 years of Agency service within six months so this review will also constitute their 15 year review. There are 16 such cases.

25X1A9a

[REDACTED] Mr. Chairman, I move the group under "B" be designated into the system.

25X1A9a

[REDACTED] Second.

. . . . This motion was then passed

MR. ECHOLS: The third group clearly meet the basic criteria for designation. I think an interesting thing about this group is

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he had at least three or four years of military service with the Agency before he converted to civilian status. Has anyone ever raised that question?

MR. ECHOLS: I think it's quite specific in the law that it is civilian service only. No question about this.

25X1A9a

[REDACTED] Are you sure it is explicit in the law?

MR. ECHOLS: I would say yes, I am sure.

25X1A9a

[REDACTED] Because we are beginning to think in terms of stretching the interpretation to include a number of contract agents and the variety of other mixed contractual arrangements we had in the 50's, and one by one these are being examined and, in most cases, recommended for participation.

MR. ECHOLS: I would qualify to this extent. We have had some peculiar arrangements in the past years where the Agency arranged to have people put on active duty, etc., yet we held the posture that these people were CIA employees during this entire period -- yet by law and by military regulations they were entitled to certain things -- and we have taken some of these cases up, where a real conflict arose, and on a case by case basis have been able to straighten out that there were no duplicatory or overlapping rights and so on. So any of these cases you speak of possibly could be straightened out so that that would be discredited as military service and possibly could be credited as civilian service.

25X1A9a

[REDACTED] You are saying, then, that in the case of those people who are called to legitimate active duty for which they are getting military reserve credit, those three years could not be counted as part of the 15 years of service with the Agency?

MR. ECHOLS: I don't believe they can be without some

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special action on the part of the Agency. I think I can show you that the law is quite specific--

25X1A9a [REDACTED] I may be wrong, but it seemed to me --

25X1A9a and this went through my mind at the time [REDACTED] came up --

25X1A9a and I thought [REDACTED]

25X1A9a [REDACTED] (Reading)

"SEC. 253. (a) A participant who, during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the military service shall not be considered, for the purposes of this Act, as separated from his Agency position by reason of such military service, unless he shall apply for and receive a refund of contributions under this Act: Provided, That such participant shall not be considered as retaining his Agency position beyond December 31, 1956, or the expiration of five years of such military service, whichever is later."

Now I don't know what "emergency as proclaimed by the President" means.

25X1A9a [REDACTED] Do these people put their six and a half percent in during that time on military duty?

MR. ECHOLS: No.

25X1A9a [REDACTED] Then it would seem to me they couldn't get the service unless they contributed to those funds, could they?

MR. ECHOLS: I don't think they can get the service--

25X1A9a [REDACTED] (Reading)

"(b) Contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active military or naval service in the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States."

25X1A9a [REDACTED] I think that unless the individual has a military status in which he is accruing time for regular retirement purposes -- I think throughout the whole Civil Service this is consistent--

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MR. ECHOLS: Oh, you have another issue here -- for service which is creditable toward military retirement he cannot be given credit under either our system or the Civil Service system.

25X1A9a

[REDACTED] Except for reserve retirement -- that is my point.

MR. ECHOLS: So if the service is either not creditable toward military retirement or we can arrange to have it thrown out (under a special case), in either of those circumstances it could be counted under our system. You can't get it under both -- that is the sine qua non, as one would say.

25X1A9a

[REDACTED] Really you need to look at the particular case, because you have a split, too, on the January 1, 1956 date, with Social Security credit coming in after 1 January 1956, even for Reservists. But if basically a man served on military detail from the Pentagon with us, that service would not be creditable--

25X1A9a

[REDACTED] As long as he remained in the regular military establishment. In the case of [REDACTED] he finished 20 years -- I just checked his record here -- he finished 20 years and then elected to retire as an enlisted man, and then joined the Agency's service -- he decided to forego the (inaudible).... But if he had resigned from the military service after 17 years, then I think he could elect, under all of the laws that deal with military pay, to use that time toward his Agency retirement, whether it's CIA or Civil Service. This is quite clear--

25X1A9a

25X1A9a

[REDACTED] But that would still go to the computation of final benefit rather than to creditable service for inclusion under the Act.

25X1A9a

[REDACTED] I suppose, but I'm not sure, and I

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wish somebody would raise this--

MR. ECHOLS: Let's try to look that up.

25X1A9a [REDACTED] The same as any service prior to Agency service would be creditable for computation of retirement benefits -- total Federal service -- but would not count as eligibility under the Act as far as number of years here -- five years or 14 years--

25X1A9a [REDACTED] I'm not sure. I don't think that can be inferred from the statement that has been made here.

25X1A9a [REDACTED] I thought that was the only question. There is not much question about using the military service for retirement. In the 15 years' service with the Agency, while you're in a military status would that count as part of that 15 years -- and I think the answer there is negative.

25X1A9a [REDACTED] Unless you were serving with the Agency--

25X1A9a [REDACTED] It seems to me it would still count as part of your service but would not count--

MR. ECHOLS: We have this requirement in the Regulation: Qualifying service means performance of duty as an Agency employee. And under the definitions we have: Employee means a civilian officer or employee of the Agency. Military service cannot be counted as qualifying service.

25X1A9a [REDACTED] Okay, that takes care of that five years, but can it even be counted in the 15 years' service with the Agency if you were legitimately employed by the military even though on detail here?

25X1A9a [REDACTED]: We had that case -- we had the case of a chap who for three years was [REDACTED] and he was on complete detail to

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MR. ECHOLS: Jim's point is well taken. We had a couple of weird cases. We had the case of a man recalled to active duty, although he was our employee, and who became disabled, in the military sense, while he was on active duty and drew disability benefits from the military although he returned to duty with the Agency on a full salary. This, obviously, was a weird situation.

25X1A9a

[REDACTED] The way that situation distinguished itself was the fact that our Medical people chose to take him back because they did not find it a disabling disability as far as the Agency was concerned, whereas the military had found--

MR. ECHOLS: In terms of our Agency service he was not disabled but in terms of the military service he was disabled. So here we had a man drawing apparently two benefits from the U.S. Government. But we finally have gotten these cases straightened out -- and it will not happen again -- and the military have agreed to the fact that these people should be our employees hereafter.

Well, we're still on Group C here.

25X1A9a

. . . . [REDACTED] joined the meeting at this point

25X1A9a

[REDACTED] The case you referred to earlier may have been that of [REDACTED] - you said one of them had a lot of TDY.

25X1A9a

MR. ECHOLS: Yes, [REDACTED]

25X1A9a

25X1A9a

[REDACTED] That was the only one I could find.

MR. ECHOLS: It's interesting only to point out that some of our people probably will perform the preponderance of their 60 months in many, many, many TDYs abroad -- and I see no objection.

25X1A9a

[REDACTED] Mr. Chairman, I move that the

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group under "C" be initiated into the system.

25X1A9a

[REDACTED] Second.

. . . . This motion was then passed

MR. ECHOLS: Gerry, would you care to give us a report on where your qualifying domestic duty report is?

25X1A9a

[REDACTED] t's going through about the 4th or 5th revision.

MR. ECHOLS: Are you making progress? Is it clearing up?

25X1A9a

[REDACTED] We choose to think it's progress. But I think we will have something to present here very soon, and we will probably suggest that the CS Board have a joint meeting with the Retirement Board. I would say that might take place next week.

MR. ECHOLS: Any other new business anybody would like to bring up?

25X1A9a

[REDACTED] I think in connection with your remarks at the beginning of this meeting about the necessity of being in a career field which normally requires overseas service at the time of designation, it may bring up a situation somewhat similar to this situation of defining qualifying domestic service, in that we have got to have a consensus on what is a career field normally requiring overseas service. A liberal interpretation might be the whole Agency, because anybody can be ordered on TDY overseas at any time; a tighter interpretation might be only one of those career services where overseas service is a normal part of their career. I think there is a lot of latitude for interpretation in this.

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MR. ECHOLS: Yes, there is -- and we couldn't define it at the time, and yet, obviously, when the Agency testified that not more than a third of its people would be in this system, obviously they did not contemplate that Agency service would be considered as such service -- this would be a direct contradiction--

25X1A9a

[REDACTED] Couldn't we possibly -- and this is just a wild thought -- lick this by saying that a given percentage of the positions of a given Career Service would have to be overseas to give it qualifying status -- and it could be a comparatively low percentage. I don't know -- I'm just thinking --

MR. ECHOLS: I think perhaps I represent a typical Career Service with this problem, and I don't think that I could identify more than say 50 individuals whom I would look upon as being the available reservoir of people who are ready, willing and able to go, and whom I would care to send abroad.

25X1A9a

[REDACTED] Then it's not the service but the individual--

MR. ECHOLS: It's not the service, in my opinion, but that group of people I am going to recurringly call upon to serve abroad and who have evidenced their willingness and ability to do so. And I think this would apply to Logistics and Finance. I think the Finance careerists who are overseas people are quite an identifiable group -- isn't that true?

25X1A9a

[REDACTED] By and large this is true.

MR. ECHOLS: I think it's done on the basis of individuals preponderantly in this type of career service.

25X1A9a

[REDACTED] You might have to change your wording on this statement--

25X1A9a

[REDACTED] This could be carried one step further.

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At a given point in time a man who had previously served in an overseas type of position, subject to such assignment, could be transferred to Headquarters let's say to an area where you didn't expect him to go overseas at all, because you wanted a man there, but this doesn't mean a man would stay there more than two or three years until he would be back into an overseas assignment again -- so at the moment he might disqualify himself by sitting in that particular job--

MR. ECHOLS: I don't think his particular job at the moment should disqualify him, really--

25X1A9a

[REDACTED] Well, that gets back to your first statement, then--

MR. ECHOLS: If I have a man who goes overseas for one tour, or two tours, and he says - "Never again -- I'm through -- I won't go overseas again" -- I don't care where I assign him, but he won't go in the system. If I have a man who has had one tour overseas and I continually look upon him and he looks upon himself as being one of my overseas people, I would put him in, and I would expect that he would ultimately prove my projection by actually serving, at the minimum, the requisite 60 months. I can guess wrong, but that is why we have a system that will purge out our errors.

25X1A9a

[REDACTED] One of the problems, of course, in establishing any fixed sort of ruling or basis is that the requirements are going to change so much. That is certainly true of our Directorate -- much of it is just evolving, really. What we say today may not be true--

25X1A9a

[REDACTED] It's just a starting point. What you (indicating Mr. Echols) are saying is the Head of the Career Service

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says: I certify this man is of a type that may normally be expected to serve overseas.

MR. ECHOLS: I think this in fact represents the best judgment of the Head of the Career Service -- that I think this guy is overseas material, that he will in due course during his career meet the minimal requirements -- and if I have guessed wrong, he will be purged out of the system.

MR. WARFIELD: At the five, ten, 15 year reviews.

MR. ECHOLS: So I think it's the best judgment of the Head of the Career Service, or his Board, whatever it may be.

25X1A9a

[REDACTED]: That would be true if he were put into the system, but would it be true if he didn't get into the system? - would he later be considered automatically on overseas assignment?

MR. ECHOLS: Would you illustrate with a case, Joe?

25X1A9a

[REDACTED]: A personnel officer has 18 months in Saigon. He comes back in for three years and then he goes out again for another 18 months. At that time would he be considered? or only when he goes back? or ever?

MR. ECHOLS: Certainly if I hadn't put him in at the very beginning -- which I probably would -- the first time he goes abroad I would put him in the system, in all probability, unless I knew this was a one time, developmental tour, period. If he said - "I'll go once but I'll never go again" - I wouldn't put him in, in that case, but otherwise I would put him in the very first time I assigned him abroad.

25X1A9a

[REDACTED] Assume the reverse - that you don't put him in -- now will he automatically come up again for consideration upon overseas assignment?

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MR. ECHOLS: I sent him abroad on his first tour, and I didn't put him in the system?

25X1A9a

[REDACTED] That is right. Then you brought him back in. And then three or four years later--

MR. ECHOLS: If I were he I would be beating on somebody's door and saying, "I'm on my second tour and you haven't put me in the CIA system"--

MR. WARFIELD: I expect after we get along down the line we will be doing machine runs of non-participants, to see if somebody hasn't become eligible, won't we?

MR. ECHOLS: Surely.

25X1A9a

[REDACTED] But it would appear that the same criteria could hold that man out, in a given case, until he had completed five years -- which would change the consideration for him - that he would have to have five years to come in -- where other people would come in merely by their service designation.

MR. ECHOLS: I would think any Head of a Career Service would want his people overseas to get the better death and disability benefits that are available with overseas service, so I would think the tendency--

25X1A9a

[REDACTED] I'm not questioning that at all -- I'm just going on the single criteria of whether it is the individual and his considered availability for overseas service, or, as Harry stated it, the career service that normally requires service overseas. They are quite different things. One is a career service requiring it of all people, and the other is an individual judgment in an individual case, which could lead to totally different criteria for the application of two different services.

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MR. ECHOLS: I would still think it's the judgment of the Career Service with respect to the individual's prospective career that should determine whether or not you put him in. I don't see any other valid basis. Does anybody disagree with that?

25X1A9a

[REDACTED] There are obviously some limiting factors. No matter what the man thinks, if five years have passed and he doesn't have the 18 months, you can't put him in, or if ten years have passed and he doesn't have the 36 months.

MR. ECHOLS: Under definitions we say: Career means the predominant and long-range orientation of an employee's Agency service, past and present, as well as plans for his future development and use. These are matters of judgments that the Career Service must make regarding the individual.

25X1A9a

[REDACTED] But I think you're changing this groundrule a bit -- and I think rightfully -- in other words, you're saying now, I believe, that you can't necessarily qualify Medics, Personnel, or Finance under that definition--

MR. ECHOLS: As a category? Oh, indeed, yes. I don't think that was ever true -- I mean, I don't think we ever contemplated a total field of employment - saying "everybody in this field is eligible for this system."

25X1A9a

[REDACTED] But that definition seems to address itself to a service as a whole.

MR. ECHOLS: No, no, no. This is speaking about the individual -- "Career means the predominant and long-range orientation of an employee's Agency service, past and present, as well as plans for his future development and use" -- again, it speaks to the individual, not

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to file an appeal if he was not designated a member of the system. I suggested that he better read the Regulation before wasting time filing an appeal. But he insists that although he has never been overseas -- and he has worked in the past for the Directors and Deputy Directors preponderantly -- that he is working in direct support of clandestine operations -- which I can't deny, but I had to explain to him that this was not quite what we meant. But he did bring up the point - he said, "What happens to me if I get fired -- everything I've learned in the past fifteen, twenty years wouldn't be worth two hoots in hell on the outside." I said - well, under those circumstances you might possibly be declared eligible under 11(c). So he said he was going to read paragraph 11(c). And I think this is a classic case of no overseas service and no direct participation in clandestine operations.

MR. BOREL: (Laughing) Is he willing to get fired to test the system?

MR. ECHOLS: (Laughing) I don't think so.

Okay. Anything else?

25X1A9a

 I move we adjourn.

. . . . The meeting adjourned at 2:50 p.m.